

Walter O'Cheskey
 Chapter 13 Trustee
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IN THE UNITED STATES BANKRUPTCY COURT
 NORTHERN DISTRICT OF TEXAS
 WICHITA FALLS DIVISION

IN RE:
 IVORY HOWARD

CASE NO: 12-70449-HDH-13
 HEARING DATE: 9/18/2013
 HEARING TIME: 10:00 AM

**TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND
 PLAN MODIFICATION (if required)**

NOW COMES Walter O'Cheskey, Chapter 13 Trustee, and files this Proposed Trustee's Recommendation Concerning Claims and Plan Modification (if required) in accordance with Bankruptcy Rule 3007 and General Order 2010-01 and would respectively show unto to the Court as follows:

I.

OBJECTION -- NO PROOF OF CLAIM FILED

The following creditors were scheduled by the Debtor(s). No Proof of Claim has been filed by them or on their behalf, as required by Bankruptcy Rule 3002(a). The bar date for filing claims pursuant to Bankruptcy Rule 3002(c) has passed. Therefore the claims should be DISALLOWED.

| Trustee Clm# | Creditor Name | Scheduled Amount | Trustee Clm# | Creditor Name | Scheduled Amount |
|--------------|------------------------|------------------|--------------|------------------------|------------------|
| 013 0 U | COMMONWEALTH FINANCIAL | \$130.00 | 014 0 U | HSBC BANK | \$540.00 |
| 015 0 U | INTEGRITY ADVANCE LLC | \$500.00 | 016 0 U | KOHL'S/CAPONE | \$310.00 |
| 017 0 U | NRTHESTCRCOL | \$732.00 | 018 0 U | RECEIVABLES PERFORMANC | \$448.00 |

II.

SPECIFIC OBJECTIONS

No Objections

III.

TRUSTEE'S RECOMMENDATIONS CONCERNING ALLOWED CLAIMS

The Trustee hereby recommends the ALLOWANCE of the following claims for the amount and in the class as listed below.

| Trustee Claim # | Creditor | Collateral / Description | Claim Amount | Value | % | Term | Paid / Treated |
|---|--------------------------------------|--|--------------|-------------|-------|------|--------------------------|
| <u>SECURED CREDITORS</u> | | | | | | | |
| 008 0 | UNION SQUARE | 2009 DODGE | \$19,687.57 | \$19,300.00 | 6.00% | 54 | \$465.04 PAID BY TRUSTEE |
| 009 0 | GREEN TREE SERVICING LLC | DIRECT PMTS BEGIN 12-2012 | \$64,957.72 | \$90,250.00 | | | PD DIRECT BY DEBTOR |
| 010 0 | BROADWAY MOTORS | 2000 ISUZU RODEO | \$2,723.00 | \$2,723.00 | 6.25% | 58 | \$68.00 PAID BY TRUSTEE |
| Changed from paid direct to paid through plan per request of debtor attorney. See Modification Below. | | | | | | | |
| 011 0 | CITY OF WF, WFISD, WICHITA CO | PROPERTY TAXES | \$0.00 | \$1,952.85 | | | PD DIRECT BY DEBTOR |
| 012 0 | FORT BEND CENTRAL APPRAISAL DISTRICT | PROPERTY TAXES/406 ASH ST, SUGAR LAND, FORT BEND, CO | \$0.00 | \$33,440.00 | | | PD DIRECT BY DEBTOR |
| 031 0 * | GREEN TREE SERVICING LLC | ARRERS THRU 11-2012 | \$5,592.25 | \$90,250.00 | 6.38% | 58 | \$140.17 PAID BY TRUSTEE |
| Not provided for in confirmed plan. See Modification Below. | | | | | | | |
| <u>PRIORITY CREDITORS</u> | | | | | | | |
| 003 0 * | INTERNAL REVENUE SERVICE | 2009-2011 INCOME TAXES | \$11,938.89 | | | 58 | \$265.31 PAID BY TRUSTEE |
| Not provided for in confirmed plan. See Modification Below. | | | | | | | |
| <u>UNSECURED GENERAL CREDITORS</u> | | | | | | | |
| 008 1 U | UNION SQUARE | | \$387.57 | | | | |

SPLIT CLAIM 2009 DODGE

029 0 U * INTERNAL REVENUE SERVICE

\$5,034.37

030 0 U *

INTERNAL REVENUE SERVICE

\$4,583.58

PENALTY

Not provided for in confirmed plan.

2008 INCOME TAXES

Not provided for in confirmed plan.

If the Trustee's recommendation concerning any claim differs from the amount indicated in a creditor's Proof of Claim, the recommendation is deemed an objection to such claim. Unless a timely reponse or objection is filed contesting the Trustee's recommendation, the objection will be sustained and such claim will be allowed only in the amount and in the class indicated.

Any proposed changes by the Debtor that extends the term or lowers the interest rate as to any secured claim contained in the confirmed Plan must be set out in a Debtor's Objection or Response to the Trustee's Recommendation Concerning Claims and noticed to the affected creditor in the absence of a letter agreement between the Debtor and the affected creditor.

IV.

TRUSTEE'S PLAN MODIFICATION

Pursuant to 11 U.S.C. Section 1329, and in accordance with General Order 2010-01 Section 8, the Trustee requests the following Modification of Debtor's(s') Confirmed Plan, subject to feasibility herein:

Trustee's Modification is as follows:

Broadway Motors shall be paid through the plan and paid 6.25% interest with a payment of \$68.00. Green Tree Servicing LLC is allowed a secured claim for home arrears of \$5,592.25 to be valued at \$90,250.00 and paid 6.38% interest with a payment of \$140.17. The IRS is allowed a priority claim for \$11,938.89 to be paid with a payment of \$265.31. Allowed unsecured creditors shall be paid 100% and paid 6% interest from confirmation.

Case term is extended to 60 months. Debtor shall pay 10 payments of \$530.00 beginning 12/29/2012. Then Debtor shall pay 50 payments of \$1,075.00 beginning 10-29-2013 for a new base of \$59,050.00.

/s/ Walter O'Cheskey

Walter O'Cheskey
Chapter 13 Trustee

IF AN OBJECTION IS FILED, A HEARING WILL BE HELD 9/18/2013 AT 10:00 AM CONCERNING THE TRUSTEE'S RECOMMENDATION CONCERNING CLAIMS, OBJECTION TO CLAIMS AND PLAN MODIFICATION (IF REQUIRED) (TRCC) AT THE FOLLOWING LOCATION:

LIVE: US COURTHOUSE ROOM 222, 10TH & LAMAR STREETS, WICHITA FALLS, TEXAS 76301

A PRE-HEARING CONFERENCE WITH THE TRUSTEE SHALL BE HELD AT THE SAME LOCATION AT 8:30am. ALL PARTIES ARE REQUIRED TO ATTEND THE PREHEARING CONFERENCE. ANY OBJECTIONS TO THE PLEADINGS NOT RESOLVED OR DEFAULTED AT THE PRE-HEARING CONFERENCE WILL BE HEARD BY THE COURT AT THE HEARING DATE AND TIME ABOVE. TO BE CONSIDERED, ANY OBJECTION OR RESPONSE MUST BE MADE IN WRITING, SERVED ON ALL EFFECTED CREDITORS AND FILED WITH THE COURT WITHIN THIRTY (30) DAYS FROM THE DATE OF SERVICE.

PURSUANT TO GENERAL ORDER 2010-01 SECTION 8(C), UNLESS AN OBJECTION IS TIMELY FILED AS TO THE TREATMENT OF ANY CLAIM OR MODIFICATION, THE CLAIM OR MODIFICATION WILL BE ALLOWED OR APPROVED AS DESCRIBED IN THE TRCC AND SUCH TREATMENT WILL BE FINAL AND BINDING ON ALL PARTIES.

/s/ Walter O'Cheskey

Walter O'Cheskey
Chapter 13 Trustee

I hereby certify that a copy of the foregoing Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) and Notice of Hearing and Pre-Hearing Conference on Trustee's Recommendation Concerning Claims, Objection to Claims and Plan Modification (if required) was this date served on the following parties electronically or at the addresses listed below by U.S. First Class mail:

Date: 8/8/2013

/s/ Walter O'Cheskey

Walter O'Cheskey
Chapter 13 Trustee

BANK OF AMERICA NA 400 COUNTRYWIDE WAY MAIL STOP SV-46 SIMI VALLEY CA 93065
BARRETT DAFFIN FRAPPIER TURNER & ENGEL 15000 SURVEYOR BLVD STE 100 ADDISON TX 75001
BARRETT DAFFIN FRAPPIER TURNER & ENGEL LLP 15000 SURVEYOR BLVD STE 100 ADDISON TX 75001
BROADWAY MOTORS 2625 JACKSBORO HWY WICHITA FALLS TX 76302
CAPITAL ONE NA CAPITAL ONE BANK -USA NA PO BOX 30285 SALT LAKE CITY UT 84130
CAPITOL LOANS WORLD ACCEPTANCE CORPORATION PO BOX 6429 GREENVILLE SC 29606
CITY OF WF, WIFSD, WICHITA CO C/O HAROLD LEREW PO BOX 8188 WICHITA FALLS TX 76307
COMMONWEALTH FINANCIAL 245 MAIN STREET DICKSON CITY PA 18519
EXECUTIVE SERVICES PO BOX 2248 WICHITA FALLS TX 76307
FORT BENDCENTRAL APPRAISAL DISTRICT 2801 B F TERRY BLVD ROSENBERG TX 77471
GREEN TREE SERVICING LLC PO BOX 0049 PALATINE IL 60055
GREEN TREE SERVICING LLC PO BOX 6154 RAPID CITY SD 57709
HSBC BANK PO BOX 5253 CAROL STREAM IL 60197
INTEGRITY ADVANCE LLC 300 CREEK VIEW RD STE 102 NEWARK DE 19711
INTERNAL REVENUE SERVICE PO BOX 7317 PHILADELPHIA PA 19101
INTERNAL REVENUE SERVICE PO BOX 7346 PHILADELPHIA PA 19101
IVORY HOWARD 2111 RICHMOND DR WICHITA FALLS TX 76309
KOHLS/CAPONE N56 W 17000 RIDGEWOOD DR MENOMONEE FALLS WI 53051
MCI CAS DEPT 500 TECHNOLOGY DR WELDON SPRINGS MO 63304
MIDLAND FUNDING 8875 AERO DR STE 200 SAN DIEGO CA 92123
NCO FIN-99 PO BOX 15636 WILMINGTON DE 19850
NRTHESTCRCOL 245 MAIN STREET DICKSON CITY PA 18519
POSTAL FAMILY CU PO BOX 4825 WICHITA FALLS TX 76308
RECEIVABLES PERFORMANC 20816 44TH AVE W LYNNWOOD WA 98036
TERESA ANN SCARBOROUGH 2111 RICHMOND DR WICHITA FALLS TX 76309
UNION SQUARE 1401 HOLLIDAY ST WICHITA FALLS TX 76301
UNITED STATES ATTORNEY 801 CHERRY STREET UNIT 4 FT WORTH TX 76102
US ATTORNEY ATTORNEY IN CHARGE 1100 COMMERCE STREET SUITE 300 DALLAS TX 75242
US ATTORNEY GENERAL 10TH ST & CONSTITUTION AVE WASHINGTON DC 20530